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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit:

Examiner:

In re application of:
Sergio A. Lira

Serial No.: 09/780,724

Mailing Date: February 9, 2001

Attorney Docket No.: JB 01066 Q US

NOVEL USES OF
MAMMALIAN CCR8
RECEPTORS AND
RELATED REAGENTS

RECEIVED

DEC 23 2002

OFFICE OF PETITIONS

PETITION TO BE ACCORDED A FILING DATE

Kenilworth, NJ 07033
December 4, 2002

Box DAC
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This Petition is being filed in response to the Withdrawal of Previously Sent Notice and the Notice of Incomplete Nonprovisional Application, both having mailing dates of October 18, 2002, copies of which are enclosed. The shortened statutory period for response will expire December 18, 2002.

The Withdrawal of Previously Sent Notice rescinded the Filing Receipt that was sent by the Office and had a mailing date of May 24, 2001. The Notice of Incomplete Nonprovisional Application states that the above-captioned application was deposited without drawings and that applicant should reconsider whether drawings are necessary under 35 U.S.C. § 113. In addition, the same Notice indicates that a newly executed oath or declaration must also be submitted.

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Upon review of the application file, applicant has discovered that Figure 1 referred to in the specification was inadvertently omitted from the set of documents submitted with this application and the priority application (Application Serial No. 60/181,638). However, applicant submits that the omitted drawing is unnecessary to the understanding of the invention and therefore petitions the Office to be accorded a filing date of February 9, 2001, the date the above-captioned application was originally mailed to the Office via Express Mail under 37 C.F.R. § 1.10.

35 U.S.C. § 113 states that "[t]he applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." The above-captioned application is directed to methods for treating allergic disorders, especially asthma, using agonists and antagonists of CCR8. Specifically, the claims are directed to: a method for treating asthma using CCR8 receptor antagonists, a method for screening for drugs useful for treating asthma using CCR8 as a target, and a knockout mouse lacking a CCR8 gene. Dependent claims are directed to antibodies and small molecule inhibitors. Based upon the above claimed subject matter, applicant submits that a drawing is not necessary to the understanding of the invention. Specifically, applicant submits that Figure 1 referenced on page 3 of the specification would not be needed to understand the claims or the disclosure because the figure is directed to a targeting vector, the CCR8 genomic locus and the predicted recombined CCR8 locus.

For the foregoing reasons, applicant submits that the Declaration mailed May 2, 2001 in the above-captioned application should still suffice.

Applicant notes that a Preliminary Amendment requesting deletion of all references to Figure 1 in the specification is being filed concurrently herewith.

Applicant has enclosed a Fee Transmittal form authorizing payment of the \$130.00 petition fee required under 37 C.F.R. §1.17(h) from deposit account number 19-0365.

If the undersigned can be of assistance to the Office in addressing issues to advance the application to examination, please contact the undersigned at the number set forth below.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michael Biro".

Michael G. Biro
Reg. No. 46,556

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